

REMARKS

Applicants have amended their claims, so as to delete recitation that the at least one gate electrode is "above" the semiconductor layer contacting the gate insulating film. In view of this amendment of claim 8, it is respectfully submitted that the objection to the Specification as failing to provide proper antecedent basis for the claimed subject matter, set forth in the first paragraph on page 2 of the Office Action mailed August 9, 2005, is moot. That is, note that the Examiner indicates, in the last three lines on page 2 of the Office Action mailed August 9, 2005, that only "the at least one gate electrode is beneath the semiconductor layer contacting the gate insulating film" is defined as shown Fig. 1(A) of the above-identified application. Without agreement by applicants therewith, note that claim 8 now recites that the at least one gate electrode is beneath the semiconductor layer contacting the gate insulating film, and thus claim 8 as currently amended is consistent with Fig. 1(A).

The rejection of all of the presently pending claims under the judicially created doctrine of obviousness-type double patenting, set forth on pages 3-5 of the Office Action mailed August 9, 2005, is noted. Also to be noted is the statement by the Examiner on page 2 of this Office Action mailed August 9, 2005, that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome the non-statutory double patenting rejection.

In view of the foregoing, and to facilitate proceedings in connection with the above-identified application, so as to achieve earliest possible issuance of a U.S. patent based thereon, enclosed please find a Terminal Disclaimer for the above-identified application, with respect to U.S. Patent No. 6,593,977. It is respectfully submitted that

this Terminal Disclaimer satisfies all applicable provisions of 37 C.F.R. 1.321(c). In view of the filing of this Terminal Disclaimer, it is respectfully submitted that the obviousness-type double patenting rejection is moot.

The enclosed Terminal Disclaimer is being submitted for obviating the obviousness-type double patenting rejection, so as to achieve earliest possible issuance of a U.S. patent based upon the above-identified application. It is respectfully submitted that the present filing of this Terminal Disclaimer does not constitute an admission as to the propriety of, or agreement with, the obviousness-type double patenting rejection; and does not constitute an admission as to the propriety of, or agreement with, arguments made by the Examiner in connection with the obviousness-type double patenting rejection.

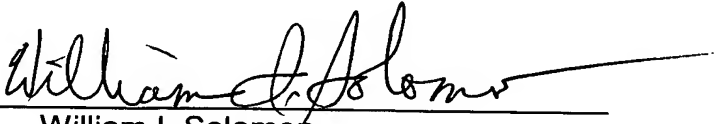
It is noted that the sole basis of rejection of claims in the Office Action mailed August 9, 2005, is the aforementioned obviousness-type double patenting rejection, which is clearly obviated by the filing of the enclosed Terminal Disclaimer. Accordingly, allowance of all claims in the application, and, in due course, passing of the above-identified application to issue, are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP

Deposit Account No. 01-2135 (Docket No. 503.38289CC2), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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